

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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AFERDITA COLLAKU,

Plaintiff,

v.

**AMENDED NOTICE
OF REMOVAL**

18 CV 04045 (VEC)(OTW)

TEMCO SERVICE INDUSTRIES, INC.,

Defendant.
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Respondent TEMCO SERVICE INDUSTRIES, INC. (“Temco” currently known as “Atalian Global Services, Inc.”), by its attorney, Harry Weinberg, Esq., Law Offices of Harry Weinberg, PLLC, pursuant to 28 U.S.C. §§ 1332, 1441 and 1446, hereby files this Amended Notice of Removal with respect to the case identified as *Aferdita Collaku v. Temco Service Industries, Inc.*, Index No. 651680/2018, from the Supreme Court of the State of New York, County of New York (“the State Court action”). In support of this Notice, Respondent states as follows:

Timeliness of Removal

1. On or about April 6, 2018, Plaintiff Aferdita Collaku (“Plaintiff”) commenced a special proceeding against Temco in the Supreme Court of the State of New York, County of New York, by the filing of a Notice of Petition and Petition to Vacate and arbitration award rendered pursuant to a collective bargaining agreement between the Realty Advisory Board on Labor Relations, Inc. (“RAB”) (a multi-employer bargaining group of which Temco is a member) and Service Employees International Union Local 32BJ (“the Union”). The case is captioned *Aferdita Collaku v. Temco*

Service Industries, Inc., and is assigned Index No. 651680/2018. A copy of the Notice of Petition and Verified Petition with Exhibits is annexed hereto as Exhibit A.

2. Counsel for Temco accepted service of the Notice of Petition, Verified Petition and Exhibits on April 16, 2018.

3. Inasmuch as this Notice of Removal is being filed within thirty (30) days after service upon Temco of the Notice of Petition and Verified Petition, this Notice of Removal is timely filed pursuant to 28 U.S.C. § 1446(b).

Basis For Removal

4. The Verified Petition seeks to vacate an “arbitration award [that] resulted from an arbitration proceeding conducted pursuant to a collective bargaining agreement with a mandatory arbitration clause.” Verified Petition at paragraph 2.

5. The arbitration clause referred to is contained in a collective bargaining agreement between the RAB and the Union known as the Contractors Agreement (“CBA”) that governed Plaintiff’s employment. A copy of the CBA effective January 1, 2012 through December 31, 2015 is annexed to the Verified Petition.

6. This action, therefore, is a civil action over which this Court has jurisdiction under Section 301(a) of the Labor Management Relations Act (“LMRA”) which, in material part, provides:

Suits for violation of contracts between an employer and an organization representing employees in an industry affecting commerce as defined in this Act ... may be brought in any district court of the United States having jurisdiction of the parties, without respect to the amount in controversy or without regard to citizenship of the parties.

7. Accordingly, this action may be removed to this Court pursuant to 28 U.S.C. §§1441 and 1446.

8. Respondent has not served an answer, made motions, or made any appearance or argument in the State Court action.

9. Respondent will file a copy of this Notice of Removal with the Clerk of the Supreme Court of the State of New York, New York County, at 60 Centre Street, New York, New York, to effect removal of this action to the United States District Court pursuant to 28 U.S.C. § 1446(d).

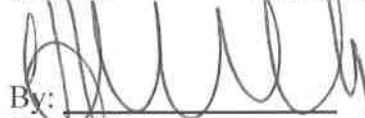
Filing of All State Court Papers and Proceedings

10. In compliance with 28 U.S.C. § 1446(a) and Local Civil Rule 81.1(b) of this Court, the papers annexed hereto as Exhibit A constitute all “process, pleadings, and orders” served upon Respondent in this action.

Dated: New York, New York
May 6, 2018

Respectfully submitted,

LAW OFFICES OF HARRY WEINBERG, PLLC



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